



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,565	12/05/2001	Albert Honey Perdon	SEDN/PRED150	7083

56015 7590 09/05/2008

PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER

NEWLIN, TIMOTHY R

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/004,565	Applicant(s) PERDON, ALBERT HONEY	
	Examiner Timothy R. Newlin	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicants challenge the use of Nguyen, US 7,036,091 (hereinafter referred to as “Nguyen”) as a prior art reference, and request evidence that the provisional to which it claims priority (application number 60/329981, hereinafter “Billmaier”) provides direct support for the portions of Nguyen cited in the rejections.

The cited portions of Nguyen are supported by Billmaier, a copy of which is attached to this action. The rejections rely primarily on Figs. 4-6 of Nguyen, which are supported by Figs. 21-23 of Billmaier. (Fig. 24 of Billmaier is an additional depiction of the circular user interface.) In addition, Billmaier describes the basic navigation of the interface on pages 3 and 4. This language, as well as the figures themselves, provides support for the language in Nguyen cols. 7-9 that is used in the rejections of the current claims.

For example, col. 8, lines 34-48 of Nguyen are used to reject the following limitation in claim 1: “upon user interaction, panning between program listings within one of the sectors to indicate that a different program listing is selected.” Billmaier supports the rejection because Figs. 22-24 show navigation (dotted right/left rotation arrows) between program listings within a current sector (indicated by the vertical triangle). Those figures are explained on pages 3 and 4 of Billmaier, where a two-dimensional navigation is described.

The rejection of claims 9 and 23 were based on Fig. 9 of Nguyen, which is not directly supported by Billmaier. However, Fig. 6 also teaches the limitation of claim 23 as detailed below, therefore the rejection stands over Nguyen.

The rejections of claim 2, 10, 12, and 28 do not rely on Nguyen but do cite portions of Nguyen in the explanation of §103 rejections. Those rejections are maintained as detailed below.

For the above reasons, Nguyen is supported by Billmaier and therefore has an effective filing date of Oct. 17, 2001. Accordingly, Nguyen qualifies as prior art under 102(e) and the rejections are maintained.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 14-16, 20-23, 27, and 30-35 are rejected under 35 U.S.C. 103(a) over Nguyen, US 7,036,091 in view of Ohkura, US 6,005,601.

3. Regarding claims 1 and 21, 22, and 33 Nguyen discloses a method and apparatus for presenting program information on a television screen, comprising:

displaying a plurality of sectors of program information in a layout, each sector in the layout relating to a different genre of program information, each sector spanning from a generally central area of the layout to a generally peripheral area of the layout, and each sector encompassing a plurality of program listings **[Fig. 6, col. 7, 56-67]**;

displaying at least one cell within each sector, each cell showing one of the program listings **[program listings are circumferentially disposed at regular intervals; the space that each option occupies is a "cell", Fig. 4, col. 8, 1-6]**;

indicating that one of the cells in the layout is selected **[col. 8, 13-19]**;

upon user interaction, panning between program listings within one of the sectors to indicate that a different program listing is selected **[col. 8, 34-48]**; and

upon user interaction, panning between sectors of the layout **[col. 9, 22-48]**.

4. Nguyen shows only general physical components, but Ohkura specifically discloses, in an EPG system, a memory storing a program **[block 21, Fig. 3]**;

a processor in communication with the memory **[CPU 20, Fig. 4, col. 4, 64-67]**;

circuitry that receives program information from a distribution facility, wherein the circuitry is configured to display the program information in a television program guide **[col. 5, 7-16]**. Both Ohkura and Nguyen disclose program guides displayed in a round shape, designed for easy navigation by a user. It would have been obvious to one of ordinary skill that circuit components such as memory and a CPU of Ohkura could be used to implement the guide of Nguyen, in order to distribute the processing and displaying of program information to a robust client at the user premises.

5. Regarding claims 7 and 27, Nguyen discloses a method wherein the layout is generally circular in shape **[Fig. 6]**.

6. Regarding claims 14 and 30, Nguyen discloses a method wherein panning between program listings includes keeping a common cell selected and rotating program listings into the common cell **[col. 8, 13-23]**.

7. Regarding claims 15 and 31, Nguyen discloses a method wherein each sector has a first cell and a second cell **[the space that each program option occupies is a "cell", Fig. 4, col. 8, 1-6; each sector of the menu may contain one or more cells, col. 10, 19-24]**, the first cell being the selected cell, and wherein panning between program listings includes rotating one of the program listings from the second cell to the first cell and displaying a new program listing in the second cell **[col. 8, 13-23; col. 9, 19-38]**.

8. Regarding claims 16 and 32, Nguyen discloses a method wherein panning between program listings includes moving the selected cell from a first cell to a second cell within one of the sectors **[col. 8, 13-23; col. 9, 19-38]**.

9. Regarding claim 20, Nguyen discloses a method further comprising presenting a genre name adjacent each sector of the layout **[Fig. 6]**.

10. Regarding claim 23, Nguyen discloses an apparatus wherein the layout includes a center cell, the center cell being disposed within all of the sectors **[Fig. 6 shows a cell disposed in the center of the other sectors]**.

11. Regarding claims 34 and 35, Nguyen discloses a method for providing program information, comprising:

transmitting information for a television program guide to a user **[cols. 6-7, lines 29-19]**, the television program guide including:

a layout having a plurality of sectors of program information, each sector in the layout relating to a different genre of program information, each sector extending from a generally central area of the layout to a generally peripheral area of the layout, and each sector encompassing a plurality of program listings **[Fig. 6, col. 7, 56-67]**;

at least one cell organized and displayed within each sector, each cell displaying one of the program listings **[program listings are circumferentially disposed at regular intervals; the space that each option occupies is a "cell", Fig. 4, col. 8, 1-6]**; and

an indicator that one of the cells in the layout is selected **[col. 8, 13-19]**.

12. Claims 2, 3, 10-13, 18, 19, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen and Ohkura as cited above.

13. Regarding claim 2, Nguyen does not disclose a rectangular layout, but does teach that the circular menus are divided evenly into sectors, with selectable options disposed evenly around the menu **[Figs 4-6]**. Given this teaching, it would have been obvious to one of ordinary skill that the menu could be rectangular with four sectors in order to evenly apportion a selection of four programs.

14. Regarding claim 3, Nguyen discloses a method wherein the layout includes a center cell, the center cell being disposed within all of the sectors **[Fig. 6 shows a cell disposed in the center of the other sectors]**.

15. Regarding claim 10, Nguyen does not discuss the use of varying cell sizes, at least not within the same sector. However, official notice is taken that using a plurality of larger or smaller cells depending on specific program listings is a well-known and commonly used technique to display data in an electronic program guide. Also, Nguyen does show different cell sizes, visible in the different spacing of labels depending on the number of sectors within a given ring **[Fig. 6]**. Given Nguyen's flexible cell size, and the state of common knowledge in the art, it would have been obvious to one of ordinary skill to modify Nguyen to use varying cell sizes to accommodate program names and schedule information of varying length.

Art Unit: 2623

16. Regarding claim 11, Nguyen does not restrict the selection of any particular cell. However, claim 11 merely modifies prior art elements according to known methods to yield a predictable result. First, claim 11 adds no functionality to the elements already disclosed in Nguyen. The cells still display program guide information. Furthermore, to someone skilled in the art, simply restricting the selection of some cells is an obvious modification of Nguyen, predictably resulting in restricting the user's interaction to a predetermined sequence.

17. Regarding claims 12 and 28, Nguyen does not show lines separating the sectors. Official notice is taken that separating adjacent cells with a line is a well-known method in the program guide area. Given the suggestion by Nguyen to separate cells, it would have been obvious to one skilled in the art to separate sectors from adjacent sectors by radial lines, to provide the user with a clear visual differentiation of adjacent cells.

18. Regarding claims 13 and 29, Nguyen discloses a method wherein the cells within each sector are separated by generally concentric circles positioned radially from the generally central area of the layout **[Fig. 6]**.

19. Regarding claims 18 and 19, official notice is taken that presenting channel numbers and program names in each cell of a program guide is common and well-known in the art of program guides. Accordingly it would have been obvious one skilled

Art Unit: 2623

in the art to modify Nguyen to include that information so the user can see general information at a glance.

20. Claims 4-6, 8, 9, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen as cited above in view of Alexander et al., US 6,177,931.

21. Regarding claims 4, 8, and 24, Nguyen does not include the display of advertisements on the guide. Alexander does teach presenting advertising information in unused space on the interface **[e.g., Fig. 1]**. It would have been obvious to one skilled in the art of program guides that the unused center space in Nguyen could be used to display an advertisement, in order to utilize free screen space and present users with a commercial message while they browse the guide.

22. Regarding claims 5, 9, and 25, Nguyen discloses a method wherein each sector spans from the center cell to the generally peripheral area of the layout **[sectors are disposed within concentric rings that have a certain radial thickness, i.e. span from the center to the peripheral, Fig. 6]**.

23. Regarding claims 6 and 26, Nguyen discloses a method wherein each sector contains one cell **[the space that each program option occupies is a "cell", Fig. 4, col. 8, 1-6]**.

24. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen as cited above in view of Ohkura et al., US 6,005,601. Nguyen does not disclose an information box. Ohkura does show a method comprising presenting an information box displaying further details about the program listing in the selected cell **[Fig. 12C, col. 12, 26-38]**. It would have been obvious to one ordinarily skilled in the EPG art that the program listings in Nguyen could be augmented with a detailed information box as shown by Ohkura, to provide program details (only) if requested, avoiding cluttering the main guide with detailed information for every program.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

TRN